Case 1:15-cv-00573-LH-CG Document 26 Filed 09/14/15 Rage 10f 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT ALBUQUERQUE, NEW MEXICO

SEP 1 4 2015

MATTHEW J. DYKMAN

GABRIEL H. GRADO PLAINTIFF,

V.

NO. 1:15-CV-00573 LA/CG

VINCE HORTON, et al.
DEFENDANTS.

AMENDED COMPLAINT

COMES NOW, BY AND THROUGH SAID PLAINTIFF, GABRIEL HI, GRADO,
PRO SE, PURSUANT TO RULES IS (a) AND 19 (b) FED. R. CIV. P. REQUESTS
LEAVE TO FILE AN AMENDED COMPLAINT ON AUGUST 7, ZOIS AND WAS GRANTED
BY MAGISTRATE JUDGE CARMEN E. GARZA. PLAINTIFF SUBMITS HIS COMPLAINT
AS FOLLOWS:

I. JUTISPICTION

- 1. THIS IS A CIVIL ACTION ANTHORIZED BY 42 U.S.C. SECTION 1983 TO REDRESS THE DEPRIVATION, UNDER COLOR OF STATE LAW, OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JUTISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1343. PLAINTIFF SEEKS RELIEF AGAINST EACH DEFENDANT INTHEIR INDIVIDUAL CAPACITIES WHO ACTED UNDER COLOR OF STATE LAW AND VIOLATED PLAINTIFFS UNITED STATES CONSTITUTIONAL PLAINTS UNDER THE FIRST, FIFTH, EIGHTH AND FOUTLTEENTH AMENDMENTS.
- 7. THE UNITED STATES DISTRICT COURT DISTRICT OF NEW MEXICO IS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1391 BECAUSE SANTA ROSA, NEW MEXICO IS WHETE THE EVENTS GIVING RISE TO THIS CLAIM OCCURRED.

II. PLAINTIFF

3. PLAINTIFF GABRIEL H. GRADO WAS AT ALL TIMES MENTIONED HETE IN AND HIS ORIGINAL COMPLAINT, A PRISONER AT GEO GROUP, INC. IN SANTA ROSA, NEW MEXICO AS A STATE PRISONER OF THE NEW MEXICO DEPARTMENT OF CORRECTIONS.

HOWEVER, PLAINTIFF NOW TESIDES AT NENMOF IN CLAYTON, NEW MEXICO; 185 DOCTOR MICHAEL JENKINS Rd.; CLAYTON, NEW MEXICO 88415.

III. DEFENDANTS

- 4. DEFENDANT VINCE HORITON IS THE WARDEN AT THE GEO GROUP, INC. FACILITY IN SANTA ROSA, NEW MEXICO (GCCF). HE IS LEGALLY RESPONSIBLE FOR THE OPERATIONS OF THE FACILITY, STAFF CONDUCT, AND THE WELFARE OF ALL IN-MATES.
- 5. DEFENDANT BLANCA ZARATE WAS, AT THE TIMES MENTIONED IN THIS COMPLAINT A CORTRECTIONAL TECHNICIAN AT THE GEO GROUP, INC. FACILITY IN SANTA ROSA, NEW MEXICO AND WAS ASSIGNED TO THE DISCIPLINARY HEATTING OFFICE AS A TECHNICIAN.
- 6. DEFENDANT PHIL ARAGON IS CHIEF OF SECURITY AND ALL TIMES MENTIONED IN THIS COMPLAINT HELD RANK AS MAJOR AND IS IN CHARGE OF SECURITY OPERATIONS AT THE GEO GROUP, INC. FACILITY IN SANTA ROSA, NEW MEXILO.
- 7. DEFENDANT H. RODGETS IS A COTTRECTIONAL OFFICER AT THE GEO GROUP, INC.
 FACILITY IN SANTA ROSA, NEW MEXICO AND WHO AT ALL TIMES MENTIONED IN
 THIS COMPLAINT HELD RANK AS COTTRECTIONAL OFFICER.
- 8. DEFENDANT H. RODGETTS FULL NAME IS UNKNOWN TO THE PLAINTIFF AND PLAINTIFF RESPECTFULLY REQUEST THAT DEFENDANT VINCE HORTON, WHO IS WATEDEN IN SANTA TROSA, NEW MEXICO (GCCF) AND OFFICER H. RODGETTS SUPETENSOIR, RELEASE THE FULL MAME OF THIS INDINDUAL TO THIS COURT AS WELL AS PLAINTIFF.
- 9. DEFENDANT THE GEO GROUP, INC. WHO IS UMPER CONTRACT WITH THE STATE OF NEW MEXICO DEPARTMENT OF CORRECTIONS, HAS OPERATED THE FACILITY IN SANTA ROSA, NEW MEXICO (GCCF) SINCE EARLY OR MID 2000'S, AND WHO IS MENTIONED AT ALL TIMES MENTIONED IN THIS COMPLAINT. HAD STAFFED AT ONE TIME OR STAFFS THE DEFENDANT'S MENTIONED IN THIS COMPLAINT. GEO GROUP, INC. IS LEGALLY RESPONSIBLE FOR THE OPERATIONS, STAFF CONDUCT, AND WELFATTE OF ALL INMATES IN IT'S FACILITY IN SANTATOSA, NEW MEXICO.

- 10. DEFENDANT GREGG MARCANTEL, SECRETARY OF CORRECTIONS IN THE STATE OF NEW MEXICO DEPARTMENT OF CORRECTIONS (NMCD) WHO IS MENTIONED AT ALL TIMES IN THIS COMPLAINT AND HAS HELD RANK AS SECRETARY FOR NMCD AND IS RESPONSIBLE FOR THE OPERATIONS AND INVESTIGATIONS BY, NMCD.
- 11. EACH DEFENDANT IS BEING SUED IN THEIR INDIVIDUAL CAPACITIES. AT ALLTIMES MENTIONED IN 17ths COMPLAINT, AND PLAINTIFF'S DRIGINAL COMPLAINT, EACH ACTED UNDER COLOR OF STATE LAW AND VIOLATED PLAINTIFF'S FIRST, FIFTH, EIGHTH, AND FOURTEENTH AMENDMENT RIGHTS AS DEFINED BY THE UNITED STATES CONSTITUTION.

IV. FACTS

- 12. AS MENTIONED BY THE PLAINTIFF IN HIS OTTIGINAL COMPLAINT, FILED BY DEFENDANT ZATGATE THITCOUGH COUNSEL IN THIS COURT ON JULY 2, ZOIS; (PLEASE TELIEW PLAINTIFFS ORIGINAL COMPLAINT "FACTS" NO.'S 7-ZO) DEFENDANT ZATGATE VIOLATED STATE LAW STATUTE 30-9-11 NMSA 1978 MAKES IT A SECOND-DEGITEE FELONI, FOR STAFF MEMBETTS THAT WOTEK IN PITISON FACILITIES, TO WAVE SEX OT SEXUALLY AGUSE A OFFENDET.
- 13. THERE ARE FEDERAL LAWS AGAINST SEXUAL ASSAULTS INSIDE COTTRECTIONAL FACILITIES CALLED THE PITISON TRAPE ELIMINATION ACT (PITEA) THAT WAS PASSED BY CONGRESS IN 2003 THAT APPLIES TO STAFF-INMATE MELATIONSHIPS.
- 14. DEFENDANT ZATCATE WAD PITIOR KNOWLEDGE OF THE STATE AND FEDETIAL LAWS AS WELL AS NMCD POLICY "CODE OF ETHICS" NO. 037701 PAGE & ON DUTY CONDUCT [7-CI-SA-7]; AS WELL AS THE GEO GROUP, INC. FACILITY POLICY OF "ZETTO TOLETTANCE" SEXUAL MISCONDUCT BY STAFF AGAINST OFFENDETS.
- 15. DEFENDANT ZARATE ACTED WITH DELIBERATE INDIFFERENCE TO PLAINTIFF'S RIGHTS UNDER THE UNITED STATES CONSTITUTION EIGHTH AMENDMENT WHEN SHE CALLED FOR PLAINTIFF FROM HIS ASSIGNED HOUSING UN HT TO REPORT TO HERE OFFICE OUT OF NEW OF WAVESSES AND SURVEILANCE CAMBRAS, WITH EVIL-INTENT TO SEXUALLY GRATIFY HORSELF BY KISSING THE PLAINTIFF VORY AGGRESSIVELY AND PUTTING HORSELF HANDS INTO HIS PANTS AND BOXERS GRATISTING AND STROKING HIS PENIS SEVERAL TIMES. SEE SCHWENK V. HARTFORD; ZOU F.3d 1187 (944 (118, 7000)).
- 16. DEFENDANT VINCE HORTON, AS STATED IN PLAINTIFF'S ORIGINAL COMPLAINT

 (PLEASE REVIEW "FACTS" NO.'S 20-22) CATCRIED OUT A PRANTICE OF RECKLESSNESS

 AND DISTERBATED TO INDIVIDUAL'S WELL-BEINH, HEALTH, AND SECURITY WITHIN

 THEIR LIMNE ENVIRONMENT AT THE GEO GROUP, INC. FACILITY IN SANTA TROSA,

 NEW MEXICO. VIOLATING NMCD POLICY "CODE OF ETHICS" CD-032200 PAGES

 PARRAGRAPH 6 [Z-CI-SA-Z].

- 17. BOTH PITEA AND THE GEO GITOUP, INC. PROHIBIT, WITHIN THEITE POLICY AND FEDETAL LAW, ITETALIATION AGAINST THOSE WHO REPORT A SEXUAL ASSAULT. AS WELL AS PITOVIDE A VICTIM ADVOCATE TO HELP A VICTIM (PLAINTIFF) WITH THE INVESTIGATION PITOCESS OF A REPORTED SEXUAL ABJUSE, PROVIDE A VICTIM WITH MORAL SUPPORT AND REFER VICTIMS WITH OTHER SETTIMES SUCH AS MENTAL HEALTH. (PLEASE TREVIEW COPY OF PAMPALET'S PROVIDED TO OFFENDETS UPON THOSE ARRIVAL AT THE GEO GROUP, INC. FACILITY IN SANTA ROSA, NEW MEXICO "EXHIBIT D").
- 18. PLAINTIFF, IN THIS CASE, MADE HIS COMPLAINT TO THE ONE PETSON WITHIN THE GED GROUP, GROUP FACILITY IN SANTA ROSA, NEW MEXICO THAT HE TRUSTED, AS THE GED GROUP, INC. "SEXUAL ASSAULT AWARENESS PROGRAM" PAMPHUET REQUIRES A VICTIM TO DO SO AT HIS FACILITIES, AND THAT PETSON WAS FOR THE PLAINTIFF, MENTAL WEALTH PROVIDER, REBECCA CHAVEZ, WHO THEN MADE THE REPORT TO HER SUPERVISOR MENTAL HEALTH DIRECTOR, K. ESQUIBEL.
- 19. ACCORDING TO FEDERAL LAW, PREA ACT OF ZOOS, MENTAL HEALTH IS REQUITED TO MEET AND LOG ANY INFORMATION A VICTIM OF SEXUAL ABUSE MY MEED TO SHARE IN REGARDS TO THE REPORT, ON A WEEKLY BASIS OF AT ANYTIME THE VICTIM MAY FEEL THEY ARE BEING RETALIATED AGAINST BY SOMEONE IN THE GEO GROUP, INC. FACILITY.
- 20. UPON INFORMATION AND BELIEF, AFTER PLAINTIFF MADE SOME PREPORTS, AGAINST SAID DEFENDANT'S IN THIS CASE, OF SOME FORM OF PRETALIATION ON FEB. 4, 7015 DEFENDANT HORTON FORBIDDED MENTAL HEALTH PRONDER, TR. CHAVEZ TO CONTINUE SPEAKING WITH PLAINTIFF IN ALL PREGARDS, ESPECIALLY THIS MATTER.
- 21. THIS WOULD MEAN DEFENDANT HORTON VIOLATED FEDETRAL LAW, ACCORDING TO PREA ACT 2003, THE GEO GROUP, INC. POLICY ON SEXUAL ABUSE REPORTS AND INVESTIGATIONS WITHIN IT'S FACILITIES, AS WELL AS NMCD POLICY" CODE OF ETHICS" CD-032200 PAGE 3 PARAGRAPH G. [Z-CI-SA-Z].
- 77. ON JANUARY 79, 7015 PLAINTFF BEGAN EXHAUSTING HIS ADMINISTRATIVE REMEDIES BY FILING A INFORMAL COMPLAINT AGAINST DEFENDANT ZARATE. INFORMAL COMPLAINT AGAINST DEFENDANT ZARATE. INFORMAL COMPLAINT OF PLAINTS ARE REQUIRED TO BE FILED PRIOR TO A FORMAL GRIEVANCE, ACCORDING TO NMCD POLICY / PROCEDURE CD-150500, IF THE INFORMAL COMPLAINT IS NOT FILED AN OFFENDER CAN NOT FILE HIS GRIEVANCE. IN A CASE WHERE THE INFORMAL COMPLAINT IS FILED AND MARKED AS THE MATTER "RESOLVED" THE OFFENDER'S GRIEVANCE WILL BE DENIED.
- 23. ON FETSTRUATRY 3, 2015 PLAINTIFF MET WITH DEFENDANT PHIL ARAGON, CHIEF OF SECURITY AT THE GEO GROUP, INC. FACILITY IN SANTA ROSA, NEW MEXICO, IN REGARDS TO PLAINTIFFS INFORMAL COMPLAINT AGAINST DEFENDANT ZARATE.
- 24. AT THE TIME PLAINTIFF MET WITH DEFENDANT ATTAGON IN THE MOTONING OF FEB. 3, ZOIS, NO OTHER PETSONS OR STAFF WETE IN ATTAGON'S OFFICE AT THE TIME HE

CALLED FOR THE PLAINTIFF FROM HIS UNIT TO REPORT TO DEFENDANT ARRAGON'S OFFICE.

- 25. DEFENDANT ATTAGON ACTED AS IF HE WETTE CONCETTNED ABOUT THE PLAINTIFF'S WELL BEING, EXPLAINED THE INVESTIGATION WOULD BE HANDLED BY NMCD AND THAT DEFENDANT ZATTATE WAS TEASSIGNED TO THE ADMINISTITATION BUILDING WHETTE PLAINTIFF AND HET PATHS SHOULD NOT CITOSS WHILE THE MATTET OF MY COMPLAINT WAS IBEING INVESTIGATED, ALL THE WHILE DEFENDANT ZATTATE HAD QUIT ON JANUATRY 76, 7015.
- 26. DEFENDANT ARAGON ADVISED PLAINTIFF THAT HE TRECEIVED MY INFORMAL COMPLAINT AND FOR ME TO SIGN THAT HE MET WITH ME AND I WOULD TRECEIVE MY COPY.
- 27. HOWEVER, ONCE PLAINTIFF SIGNED I NOTICED DEFENDANT ARAGON MATRICED THE MATTER AS "RESOLVED." WHEN THE PLAINTIFF INFORMED DEFENDANT ARAGON TO CHANGE THE COMPLAINT TO UNRESOLVED OTHER WISE PLAINTIFF WOUND NOT BE ALLOWED TO FILE FOR REDRESS GRIEVANCE, DEFENDANT ARAGON STATED "NOPE."
- 28. PLAINTIFF THEN ADUSED DEFENDANT ATTAGON HE'S VIOLATING PLAINTIFFS FITST AMENOMENT RIGHT AND DUE PROCESS.
- 29. DEFENDANT ARAGON REPLIED" HAVE A GOOD DAY, MIT. GRADO."
- 30. PLAINTIFF THEN ASKED FOR HIS COPY OF THE INFORMAL COMPLAINT AND DEFENDANT ARRAGON STATED IT WOULD BE IN THE MAIL.
- 31. LATER THAT SAME AFTERNOON PLAINTIFF WAS GOING TO MEET WITH MENTAL HEALTH PROVIDER, R.CHAVEZ TO DISCUSS DEFENDANT ARAGON'S MISHANDLING PLAINTIFF'S INFORMAL COMPLAINT. WHILE LEAVING HIS HOUSING UNIT PLAINTIFF WALKED BY DEFENDANT H. RODGERS.
- 32. DEFENDANT H. RODGERS, WHO'S SISTER IS LIEUTENANT K. RIVERA, WHO WOTIKS AS THE DISCIPLINARY HEATING OFFICER WHERE DEFENDANT ZARATE WORKED AS A TECH. FOR LA. K. RIVERA; AND WHILE PLAINTIFF WALKED BY DEFENDANT H. RODGERS, SHE MADE A COMMENT AS TO "WHETE'S HE GOING NOW, TO GO SNITCH SOME MORE?"
- 33. PLAINTIFF THEN TUTINED TO DEFENDANT H. RODGERS AND CONFRONTED HER WITH HER COMMENT BY SAYING "WHAT DID YOU SAY? THAT'S TWIE I'VE COME OUT INTO THIS HALLWAY AND YOU'VE MADE SOME KIND OF COMMENT... SAY IT TO MY FACE."
- 34. DEFENDANT H. RODGETS REPLIED BY SAYING "YEAH, WHATEVER ... " AND WALKED AWAY FROM PLAINTIFF CONTINUING WITH "... YOU'LL SEE."

- 35. PLAINTIFF THEN STATED TO DEFENDANT H. RODGETTS AS SHE WALKED AWAY TOWATTOS
 THE MAIN HALLWAY OF THE FACILITY, "GO AHEAD AND GO LIE ABOUT SOME SHIT."
- 36. DEFENDANT H. TODGETCS THEN TUTTURD AROUND AND STATED TO PLAINTIFF "UNLIKE YOU I DON'T MEED TO LIE!"
- 37. PLAINTIFF ASKED DEFENDANT H. TRODGETTS "WHAT ARE YOU TALKING ABOUT?"
- 38. DUTING THIS TIME MENTAL HEALTH PTROVIDER, R. CHAVEZ STEPPED DUT OF HOTE OFFICE, AS WELL AS LIEUTENANT RICO WHO WAS IN THE OFFICE NEXT DOOR TO TR. CHAVEZ, BOTH WHICH ARE WEATED IN HOUSING UNIT TWO WHETE PLAINTIFF WAS HOUSED AT THE TIME.
- 39. LIEUTENANT RICO ASKED WHAT ALL THE COMMOTION WAS ABOUT AND I EXPLAINED WHAT HAD JUST HAPPEND WITH DEFENDANT H. RODGETS AND THE SITUATION EARLIET THAT MOTERNAGE WITH DEFENDANT ARAGON.
- 40. LIEUTENANT TI 100 ASKED PLAINTIFF WHETE I WAS HEADED AND M.H. PROVIDER, R. CHAVEZ ADVISED HIM I WAS COMING TO SEE HER AND WE WOULD BE HEADING TO MS. ESQUIBEL'S OFFICE IN HOUSING UNIT ONE.
- 41. WHILE ENTETTING HOUSING ONE PLAINTIFF NOTICED DEFENDANT H. RODGETTS IN THE OFFICE OF DEFENDANT ARAGON'S, WHO ACTIOSS FROM MENTAL HEALTH DIRECTOR K. ESQUIBEL.
- 47. MEETING WMA K. ESQUIBEL, PLAINTEF EXPLAINED TO HETE WITH TO. CHAVEZ PRESENT WHAT HAD HAPPEND WITH DEFENDANT H. TODGETS AND THE MATTET OF MISHANDL-ING MY INFORMAL COMPLAINT BY DEFENDANT ATAGON. ALL WAS DOCUMENTED IN THE DAILY AND WEEKLY LOGS MENTAL HEALTH IS TEQUITED TO KEEP WAILE MEET-ING WAS A VICTIM OF SEYUAL ABUSE, ACCOTTOING TO THE PITEA ACT OF ZOOS.
- 43. K. ES QUITSEL ASKED PLAINTIFF IF SHE CAN CALL DEFENDANT ATRAGON ABOUT THE IN-FORMAL COMPLAINT, PLAINTIFF AGREED.
- 441. K. ESQUIBEL CALLED DEFENDANT ARAGON AND PLACED HIM ON SPEAKER PHONE WHETE MYSELF AS WELL AS TO. (HAVEZ COULD HEATE AND ASK QUESTIONS IF AND SHOULD TISE.
- 45. DEFENDANT ARTAGON STATED MY INFORMAL COMPLAINT WAS MATRICED AS "TRESOLVED" DUE TO THE INVESTIGATION BEING TUTCHED OVETS TO NMCD (NEW MEXICO COTTREMIONS DEPARTMENT).
- 46. DEFENDANT ARAGON THEN STATED THAT PLAINTIFF FAILED TO TLEQUEST RELIEF IN HIS COMPLAINT AND HAD PLAINTIFF BEEN REQUESTING "HUNTED OF THOUSANDS

- OF DOLLARS " PLAINTIFF WOULD HAVE REASON TO PROCEED.
- 47. PLAINTIFF AT WHICH TIME POINTED TOWARDS THE PHONE AND LOOKED AT K. ESQUIBEL AND TR. CHAVEZ AND STATED "HE'S WOTTTIED ABOUT ME SUING THEM."
- 48. PLAINTEF THEN STATED TO DEFENDANT ATCAGON" THAT'S BULL-SHIT, ATCAGON...
 LOOK AT THE DIFFERENCE ISETWEEN THE FORMS OF AN INFORMAL COMPLAINT
 AND A FORMAL GRIEVANCE. YOU DON'T TEQUEST TRELIEF UNTIL YOU FILE
 A FORMAL GRIEVANCE. WHICH I CAN'T DO IF YOU MATTK MY INFORMAL
 COMPLAINT AS TRESOLVED!
- 49. DEFENDANT ARAGON THEN STATED "THIS CONVERSATION IS OVER, MS, ESQUIBEL PICK-UP THE PHONE."
- 50. K. ESQUIBEL CONCLUDED THE CONNETTSATION WITH DEFENDANT ATTAKION.
- 51. PLAINTIFF THEN ADVISED K. ESQUIBEL AND R. CHAVEZ TO DOCUMENT ALL THE EVENTS THAT TOOK PLACE WITH DEFENDANT ARAGON AND DEFENDANT H. RODGERS AS A FORM OF RETALIATION FOR FILING A SEXUAL ABUSE REPORT ON DEFENDANT ZARATE.
- 52. THE LOG WAS SIGNED AND DATED BY PLAINTIFF, THEN PLACED WITHIN HIS MENTAL HEALTH TEECOTEDS.
- 53. ON THE EVENNA OF FEBTUARY 3, 7015 LIEUTENANT K. TRIVERA HAND DE-LIVERED PLAINTIFF'S ORGINAL COPY OF HIS INFORMAL COMPLAINT AND ASKED PLAINTIFF TO SIGN THE FACILITIES RECORD COPY THAT I RECEIVED THE ORGINAL.
- 54. PLAINTIFF MOTICED DEFENDANT W. RODGERS (K. RIVERA'S SISTER) SIGNED HER NAME AS A STAFF WIMESS AS BEING PRESENT TO THE MEETING WITH PLAINTIFF AND DEFENDANT ARAGON. (PLEASE REVIEW ATTACHED DOCUMENT LABELED AS "EXHIBIT E")
- 55. PLAINTIFF'S INFORMAL COMPLAINT IS AN OFFICIAL LEGAL STATE POCUMENT AND DEFENDANT H. RODGETCS COMMITTED FICAUD AGAINST THE PLAINTIFF. A MOUNTION OF A STATE AND FEDERAL LAW.
- 56. PLAINTEF THEN SIGNED THE FACILITY'S PRECORD COPY OF LAS INFORMAL COM-PLAINT QUOTING "THIS ISSUE IS NOT PRESOLVED."
- 57. PLAINTIFF WHOTE A LETTER TO THE GEO GROUP, IN C. FACILITY COCRDINATOR FOR PREA, ADDRESSING THE GRAND COMMITTED BY THE DEFENDANT'S ATLAGON AND H. TRODGETES, PETPETRATED AGAINST THE PLAINTIFF OUT OF RETALIATION AND ENL-INTENT TO ATTEMPT TO DISTRUPT PLAINTIFF'S DUE PROCESS FOR

SEEKING DAMAGES ARAINST DEFENDANT ZATTATE. A UNITED STATES CON-STITUTIONAL TRIGHT PLAINTIFF IS PTROTECTED BY IN THE FITEST, FIFTH, AND FOURTEENTH AMENDMENTS.

- 58. PLAINTIFF ASKED THAT SURVEILANCE CAMETIAS BE NEWED AND COPIED AS WELL PLACED INTO ENDENCE IN THIS MATTER (PLEASE TREVIEW ATTACHED DOCUMENT LABELED "EXHIBIT F" LETIER TO THE PREA COORDINATOR OF ACCF DATED FETS. 3, 7015).
- 59. PLAINTIFF ON FETSKUATEN 4, ZOIS ATTEMPTED TO DELIVER HIS LETTET?, ADDITESSED TO THE PIREA (OUTDINATOR, TO MENTAL HEALTH PROVIDER, PRETSECCA CHAVEZ, WHO PLAINTIFF TRUSTED THE MOST TO PLACE COPY OF SAID LETTER IN HIS MENTAL HEALTH FILE AND DELIVER ORIGINAL LETTER BY PETSONAL HAND TO THE PIREA COOKDINATOR OF THE GED GROUP, INC. FACILITY IN SANTA ROSA, N.M.
- 60. MENTAL HEALTH PROVIDER, PRETSECCA CHAVEZ ADUSED PLAINTIFF SHE WAS GIVEN STRICT DRIDERS TO HAVE NO MORE COMMUNICATION OR CONTACT WITH SAID PLAINTIFF IN REGARDS TO THE PREA INVESTIGATION NOR IN ANY OTHER MATTER FOR THE FACT.
- 61. UPON INFORMATION AND BELIEF, THESE ORDERS GIVEN TO RICHAVEZ WERE HANDED DOWN BY OR GIVEN DIRECTLY BY DEFENDANT HORTON. WHICH WOLLD BE A VIOLATION OF THE GEO GROUP, INC. FACILITY RULES AND REGULATIONS AND POLICY IN REGARDS TO THE SEXUAL AWARDNESS PROGRAM (PLEASE SEF ATTACHED LABELED GG-"EXHIBIT @D"UNDER INTRODUCTION: SAFETY MESSAGE.) AND STATE AND FEDERAL LAW, THE PREA ACT OF 7003.
 - 62. HOWEVER, P. CHAVEZ AGREED TO GIVE PLAINTIFF'S LETTER TO HER SUPERVISOR, MENTAL HEALTH DIRECTOR, K. ESQUIBEL, ALONG WITH PLAINTIFF'S INSTRUCTIONS.
 - 63. ON THE EARLY MOTEMING OF FETSIPLIARLY S, ZOIS PLAINTIFF WAS ADUSED BY HOUSING UNIT SETGEANT J. LUCETO THAT PLAINTIFF NEEDED TO REPORT TO LIEUTENANT GALLEGOS' OFFICE IMMEDIATELY.
 - 64. UPON ATTRIVAL TO LT. GALLEGOS' OFFICE, LOCATED IN THE MAIN COOTIDOT OF THE FACILITY, WHEN PLANNIFF ENTETED THE DOOR WAY AND IMMEDIATLY UPON HIS ENTERNICE FOUR (4) UNIDENTIFIED OFFICERS RAN INTO THE OFFICE BEHIND THE PLAINTIFF AMBUSHING HIM.
 - 65. LIEUTENANT GALLEGOS GAVE PLAINTIFF INSTITUCTIONS THAT HE WOULD BE ESCORTED TO INTAKE WHERE THE PLAINTIFF WOULD BE PLACED ON A TRANSPORT TO ANOTHER FACILITY. PLAINTIFF STATED "I ALREADY KNEW." LIEUTENANT GALLEGOS ASKEDTHE PLAINTIFF HOW HE KNEW OF THE TRANSPORT AND PLAINTIFF STATED "IBECAUSE I REGOGNIZED LONG AGO HOW CROOKED THIS PLACE IS." REFETTING TO THE GED GROUP, INC. FACILITY IN SANTA ROSA, N.M.

- 106. PLAINTIFF NEVER RECEIVED A CLASSIFICATION HEARTING FOR A FACILITY TRANSFERT, NOR A 48-HOUR NOTIFICATION AS REQUIRED BY NMCD POLICY FORM CD-080107.9; CLEARLY SHOWING THAT DEFENDANT HORTON'S MANIPULATION OF THE TRANSFERT SYSTEM, ACCORDING TO NMCD POLICY, WAS RETALIATORY AND MALICIOUS AGAINST THE PLAINTIFF. VIOLATING THE GED GROUP, INC. POLICY AND FEDERAL LAW, SEE SIGGERS-EL V. BARLOW, 433 F. SUPP. Zcl. 811.
- 67. UPON INFORMATION AND BELIEF, THE GED GROUP, INC. (DEFENDANT) WHO IS UNDER CONTRACT WITH THE STATE OF NEW MEXICO DEPARTMENT OF COTTRECTIONS, AND OPERCATES THE G.C.C.F. FACILITY IN SANTA ROSA, NEW MEXICO AND EMPLOYESS OR HAD AT DIVE TIME EMPLOYED, EACH DEFENDANT NAMED IN THE ABOVE FACTS (i.e., VINCE HORTON, BLANCA TARTATE, PHIL ARAGON, AND H. RODGERS) AND IS RESPONSIBLE FOR EACH DEFENDANT'S / EMPLOYEES CONDUCT, WHILE ON DUTY, TO THE SAFETY OF EACH PRISONER (PLAINTIFF) AND ISE TREATED WITH DIGNITY AND FREE OF SEXUAL ABUSE, ASSAULT, OR WARRASSMENT, AND ITETALIATION, WHILE OFFENDERS ATTE INPITISONED AT THOR FACILITIES.
- 68. THE GEO GROUP, INC. (DEFENDANT) DID NOT PROPERLY TRAIN THESE EMPLOYEES I DEFENDANT'S NAMED IN THE ABOVE) TO RESPECT THE PLAINTIFF'S CONSTITUTIONAL RIGHTS, SAFETY, OR WELL-BEING ACCORDING TO NMCD POLICY NOR THE GEO GROUP, INC. POLICIES AND THEREFORE SHOULD BE HELD LIABLE FOR EACH DEFENDANT'S MALICIOUS, EVIL-INTENT, FRAND, HARASSMENT, AND RETALIATORY MISCONDUCT PERPETRATED AGAINST PLAINTIFF, EGREGIOUSLY VIOLATING HIS FIRST, FIFTH, EIGHTH, AND FOURTEENTH AMENDMENT RIGHTS.
- 69. DEFENDANT, NEW MEXICO COTTREPTIONS DEPARTMENT (NMCD), SECTETATTY, GREGGE MATECANTEL, WHO IS TRESPONSIBLE FOR THE EMPLOYEES, STAFF, AND INVEST-184TIONS INTO THE NMCD.
- 70. ON INFOTOMATION AND BELIEF, NMCD WAS TO WANDLE THE INVESTIGATION INTO THIS MATTER, ACCORDING TO GRIEVANCE LIEUTENANT, KTCYSTAL FIVETCA ON FETSTRUATCY 25, 7015 (PLEASE TREVIEW "EXHIBIT A" FILED BY PLAINTIFF ON AUG. 5, 2015 PAGE 4 IN HIS SUPPLEMENTAL COMPLAINT).
- 71. INVESTIGATION WAS CONDUCTED BY OFFICE OF PROFESSIONAL STANDARDS AGENT JASON A. HUNT, WHO FORWARDED HIS OUTCOME OF THE INVESTIGATION, IN THIS MATTER, TO PREA COORDINATOR, JULIAN SHAME, WHO THEN FORWARDED A COPY OF THE DECISION TO THE PLAINTHE ON ABOUT OR AROUND JUNE 17, 2015.

 (PLEASE SEE EXHIBIT B, FLED ON AUG. S, 2015 PAGES 8-11).
- 72. THE DECISION BY OPS AGENT, JASON A. HUNT WAS DETERMINED TO BE "INCON-CLUSIVE" THAT MO CLEAR EVIDENCE PROVED OR DISPROVED DEFENDANT ZATCATE SEXUALLY ASSAULTED PLAINTIFF. HOWEVER, ZATCATE WAS MOLONGER WITH THE GEO GROUP, INC. AND WAD NOT BEEN IN CONTACT WITH NEW MEXICO STATE POLICE.

- 73. ON JUNE ZZ, ZOIS PLAINTIFF APPEAUED THE DECISION TO NMCD, SECRETARY OF CORRECTIONS, GREGG MARCANTEL IN WHICH PLAINTIFF WAS YET TO HEAR FROM NMCD SEC. GREGG MARCANTEL (PLEASE SEE "EXHIBIT C" FILED ON AUG. S, ZOIS PAGES IZ-IS IN PLAINTIFF'S SUPPLEMENTAL COMPLAINT).
- 74. PLAINTIFF FEELS OR BELIEVES HIS COMPLAINT IS NOT RECEIVING THE PROPERT ATTENTION OR TAKEN SETTIOUS AS SHOULD.
- 75. UPON INFORMATION AND BELIEF, DEFENDANT ZATRATE ON JANUARY 74, 7015
 WHEN CONFIDENTH THE PLAINTIFF'S COMPLAINT TO NEW MEXICO STATE POLICE
 QUIT HER JOB AT THE GEO GROUP, INC. FACILITY, AS INDICATED AND DISCOVERED BY
 OPS AGENT, JASON HUNT, "IS NO LONGET EMPLOYEED WITH THE GEO GROUP, INC."
 AND WAS NEVER!" REASSIGNED!" AS DEFENDATE ARABON STATED TO THE PLAINTIFF
 ON FEB. 3, 7015.
- 76. THOUGH DEFENDANT ZARATE CLAIMS "SHE NEVER, AT ANNITIME, TOUCHED PLAINTIFF" AS INDICATED IN HER ANSWER TO PLAINTIFFS COMPLAINT FILED JULY 4, ZOIS PAGE 6 NO. VII, BY AND THROUGH HER CONNSEL, DEFENDANT ZARATE CONTINUES TO EXERCISE HERE 5th AMENDMENT RIGHT AGAINST SELF-INCITIMINATION AND NOT POTETICIPATE OF THE INVESTIGATION, IN THE ALLERED OFFENSES AGAINST HERE, WITH NMCD OR NEW MEXICO STATE POLICE AS OPS AGENT JASON A. HUNT INDICATED IN 1415 REPORT.
- 77. ACCORDING TO NIMED CO POLICY 032701" CODE OF ETHICS "PAGE 7 PATRAGRAPH

 (C) PETSONEL INVESTIGATIONS; NIMED EMPLOYEES CANTIAKE A POLYGITAPH

 EXAMINATION IN "ANY" INVESTIGATION CONCETNING THE PITOVISIONS OF THE

 CODE OF ETHICS OIL ANY OTHER SUSPECTED MISCONDUCT. YET, OFFICET
 DEFENDANT CATCATE, TRATHET, HAS NOT ATTEMPTED TO TAKE ADVANTAGE OF THIS

 RESOURCE AVAILABLE TO CLEATE HETISELF FROM ANY WITONG DOING AS SHE

 CLAIMS.
- 78. DEFENDANT NEW MEXILO COTTTECTIONS DEPATIT MENT AWARE OF THE RESOUTCES AVAILABLE TO DEFENDANT ZATLATE, TO CLEAR HETISELF AND WAS MADE ZERO ATTEMPT TO DO SO; WOULD RATHER DETERMINE THE INVESTIGATION INTO THE PLAINTIFFS COMPLAINT AS "INCONCLUSIVE", IN HOPES THE ALLEGATION CAN BE SWEPT UNDER A RUG AND PLAINTIFF WILL GO AWAY, IS NOT JUSTICE, BUT A PETVETSION OF JUSTICE.

V. EXHAUSTION OF REMEDIES

79. PLAINTIFF GRADO WAS EXHAUSTED ALL ADMINISTRATIVE REMEDIES AS PREVIOUSLY FILED IN HIS SUPPLEMENTAL COMPLAINT LABELED AS "EXHIBITS A, B, AND C" ON AUGUST 5, 7015, WATH THIS COURT.

VI. LEGAL CLAIMS

- 80. PLAINTIFF TREALLEGE AND INCORPORATE BY REFETENCE IN THE FACTS ON PLAINTIFFS DITIGINAL COMPLAINT FILED ON JULY 6, ZOIS PARAGRAPHS 7-ZZ AND THE FACTS IN HIS AMENDED COMPLAINT PARAGRAPHS 1-78.
- 81. DEFENDANT ZARATE DID VIOLATE PLAINTIFF'S EIGHTH AMENDMENT RIGHT, BY KISSING THE PLAINTIFF VETRY AGGRESSIVLY AND GRABBING HIS PEMS STITCKING IT SEVERAL TIMES, ACTED UNDER COLOR OF STATE LAW AS DEFINED IN NEW MEXICO STATUTE 30-9-11 NMSA 1978, VIOLATING FEDERAL LAW THE PRISON RAPE ELIMINATION ACT OF ZOO3. SEE SCHWENK V. HARTFORD; ZOU F. 3d 1187 (940 (IR. ZOOD).
- 82. DEFEMPANT HOTETON DID VIOLATE THE GEO GIROUP, INC. POLICY, NMCD POLICY "CODE OF ETHICS", FEDETAL LAW IN THE PTERA ACT OF 2003 WHEN HE PTOHIBITED THE GEO GIROUP, INC. MENTAL HEALTH STAFF TO NO LONGET GIVE ASSISTANCE TO PLAINTIFF AND RETAILIATED AGAINST PLAINTIFF BY TRANSFERING PLAINTIFF FROM THE GEO GIROUP, INC. ON FEB. 5, 2015. MOLATING PLAINTIFFS FIRST, FIFTH, AND FOUTT-TEENTH AMENDMENTS. SEE SIGGETS-EL V. BATCLOW, 433 F. SUPP. 2d 811.
- 83. DEFENDANT ATTAGON'S ILLEGAL ACTION, FAILING TO CHANGE PLAINTIFF'S INFOTMAL COMPLAINT FROM "UNRESOLVED" DUE TO PLAINTIFF NOT SEEKING RELIEF IN THE "AMOUNT OF HUNDTEDS OF THOUSANDS OF DOLLARS", VIA AN ILLEGAL TRUSE OF FRAUD BY DEFENDANT A. TROOGETS SIGNING HET NAME AS A WITNESS WHEN SHE LAD NEVET BEEN PRESENT. CONSTITUTES A MOLATION OF PLAINTIFFS ICIAHT FOR DUE PROCESS GUATRANTEED BY THE FIRST, FIFTH, AMP FOUTTEENTH AMENDMENTS BY THE UNITED STATES CONSTITUTION. MOLATING NMCD POLICY, THE GEO GIROUP, INC. POLICY AND THE PREA OF 7003, FOR RETALIATION.
- 84. DEFENDANT THE GEO GITOUP, INC. IS LIABLE FOR THE PROPER TRAINING OF IT'S EMPLOYEES, TO FOLLOW PROCEDUTE AND PROTOCOL ACCORDING TO STATE AND FEDERAL LAW, AND THE BED GITOUP, INC. POLICY AND FOR EACH OFFENDER'S SAFETY AND TO BE TREATED WITH DIGNITY, FREE FROM SEXUAL ASSAULT, SEXUAL HATTASSMENT, AND RETALIATION.
- 85. DEFENDANT NEW MEXICO COTTRECTIONS DEPARTMENT, SEC. OF CORTRECTIONS, GREGGE MATECANTEL, FAILED TO RESPOND TO PLAINTIFF'S APPEAL BASED ON THE DECISION OF NMCD, OPS AGENT JASON HUNT, AND THE PERVETSION OF JUSTICE PETEPETRATED AGAINST THE PLAINTIFF VIOLATING HIS FIFTH, EIGHTH, AND FOURTEENTH AMENDMENTS BY THE UNITED STATES CONSTITUTION

VII. PRAYER FOR RELIEF

WHETEFORE, PLAINTIFF RESPECTFULLY REQUEST THE COURT ISSUE JUDGEMENT AGAINST THE DEFENDANT (S) AS FOLLOW:

GRANTING PLAINTIFF GRADO, A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HERE IN VIOLATE HIS RIGHTS UMBER THE UNITED STATES CONSTITUTION AND LAWS OF THE STATE OF NEW MEXICO AND OF THE UNITED STATES, AND

GRANTING PLAINTIFF COMPENSATION DAMAGES IN THE AMOUNT OF \$5,000

AGAINST DEFENDANTIS ZARATE, HORTON, ARAGON, AND RODGETLS EACH, JOINTLY

AND SEVERALLY.

PLAINTIFF SEEKS PUNITIVE DAMAGES IN THE AMOUNT OF \$ 10,000 AGAINST DEFENDANT'S ZARATE, HORTON, ARAGON, AND RODGERS EACH, JOINTLY AND SEVERALLY.

PLAINTIFF SETKS COMPENSATION DAMAGES IN THE AMOUNT OF \$ 10,000 AGAINST DEFENDANT'S THE GEOGROUP, INC. AND NEW MEXICO CORTECTIONS DEPARTMENT EACH, JOINTLY AND SEVETALLY.

PLAINTIFF SEEKS PUNITIVE DAMAGES IN THE AMOUNT OF \$ 10,000 AGAINST DEFENDANT'S THE GEO GITOUP INC. AND NMCD SEC. OF CONTRECTIONS, GREGG MATICANTEL.

ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST, PROPER, AND EQUIT-

DATED: SEPTEMBER 4, 2015

I HETTE BY CETTIFY THAT A COPY
OF THE FOREGOING WAS SERVED
UPON THE FOLLOWING BY USPS ON
THIS 4th DAY OF SEPTEMBET, 7015:

APRIL D. WHITE ATTORNEYS FOR DEFENDANT HORTON 4908 ALAMEDA BLVD. N.E. ALBUBUETQUE, NM 87113 GABRIEL H. GRADO #56154
PLAINTIFF; PITO SE,
NENMDF
185 DR. MICHAEL JENKINS Rd.
CLAYTON, NEW MEXICO
88415

RESPECT BULGY SUBMITTED

AND ASK THAT IT BE SENT BY MS. WHITE'S OFFICE VIA EMAIL TO ATTOTENEY'S FOR DEFENDANT ZARATE WHICH IS CERTAIN ALL DEFENDANT'S NAMED WILL BE FLING THEIR RESPONSE JOINTLY.

Safety message

The GEO Group is committed to your safety and the safety of staff. You have the right while in this facility to be treated with dignity and be free from sexual assault, sexual harassment, and retaliation. GEO has zero tolerance regarding sexual assault within its facilities. This means we DO NOT tolerate any level of sexual harassment, misconduct, or assault in this facility.

EVERY effort will be made to prevent sexual assault and misconduct from occurring. EVERY allegation will be investigated, EVERY perpetrator referred for punishment, and EVERY victim offered services.

In the State of New Mexico we have criminal laws against sexual assault. We also have laws against custodial sexual misconduct. This is when a staff member becomes sexually involved with a offender. Both of these types of offenses are felonies and any allegation shown to be true will be referred to law enforcement for prosecution.

What is sexual assault?

Sexual assault is a crime

Anytime another offender sexually touches you, forces you to rouch the sexual parts of their body, or has sex with you without your ok, or forces you to have sex with someone else without your ok, it is sexual assault.

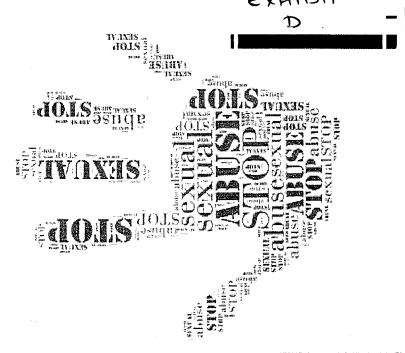
Anytime a staff member sexually touches you or has sex with you it is against the law. Even if you wanted or invited the staff person, the staff person is not allowed to respond. Anytime a staff member makes sexual advances, engages in a relationship with a offender, or prevents anyone from reporting a PREA incident it is against GEO policy and is not tolerated.

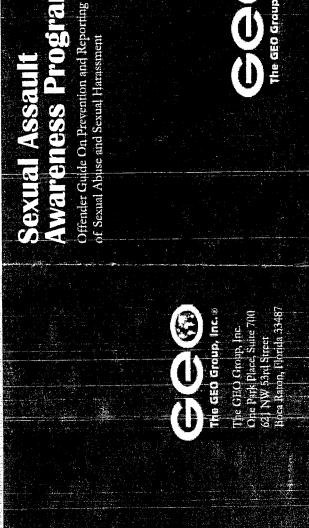
It is also against policy for you or a staff member to make sexual related comments to another person. This is called sexual harassment. It is also against the law for you to sexually touch a staff member or force them to touch you. There are exemptions for touches that may be necessary, such as for medical care and routine searches.

All of these will be offered with your consent at no cost to you, whether you name your abuser or not. If you refuse, you will be required to do so in writing.

We will provide you with the support and assistance of a Victim Advocate during the exam and investigation process upon your request, A Victim Advocate can help you understand the investigation processes, be with you during investigation interviews, provide you with moral support; and refer you to other services. We will do our best to keep the information you report as confidential as we can while conducting our investigation. We expect the same of all offenders involved in the investigation (alleged victims, suspects, and witnesses). We will also ensure you receive a referral to mental health services for follow up treatment and counseling.

All offenders must sign and date for recept of this brochure. If you have questions about anything in this manual, please ask any staff member.





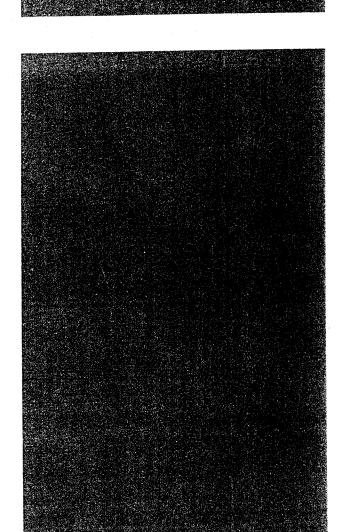
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ORIENTATION MANUAL

FEDERAL AND STATE LAW
ZERO TOLERANCE POLICY
KNOW YOUR RIGHTS
PHASES OF SEXUAL ASSAULT
PREVENTION STRATEGIES
REPORTING.

N.M. STATUE 30-9-11



Summary

The sexual abuse of inmates is a violation of both federal and state law, and is prohibited by institutional policy.

You have protection from cruel and unusual punishment through the United States and New Mexico Constitutions.

You have recourse through the courts via the New Mexico Tort Claims Act and through a 42 USC 1983 civil rights claim.

You have a duty to report sexual abuse and will not experience retaliation for doing so.

To report a sexual assault, a victim or witness can:

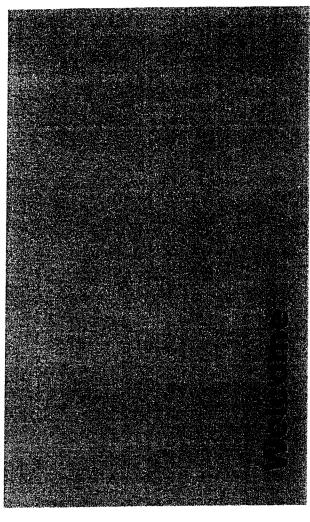
Write directly to the warden or the facility investigator.

File a grievance.

Disclose the assault to a medical or mental health provider. Call the Rape Crisis Center of Central New Mexico at

505-266-7711.

Call the facility's sexual assault hotline at 505-841-4275. Have a family member or friend report it to the facility.



This orientation is intended to inform and prepare new intakes on the topic of sexual abuse in correctional facilities. Sexual assaults are a serious security threat in correctional facilities. Sexual abuse increases violence, spreads disease, disrupts family relationships, and promotes extortion and property theft by predators who then act as if they "own" the victim.

It doesn't have to happen to you.

Know your rights.
Report sexual abuse
Follow these simple steps to avoid sexual abuse

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 Sexual Abuse. Prevention. Phases of Sexual Assault. Reporting and Investigation. 	. Law and Institutional Policy	_

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Reporting and Investigation

an assault is not reported within 120 hours of the assault, evidence that can One of the problems facilities experience in investigating sexual assaults is timeliness; victims do not always report the assault in a timely manner. If substantiate a claim of sexual assault, such as bruising, injury, and DNA, can be lost.

If evidence is lost, it is harder to prove the crime.

To the extent possible, a victim should take four steps to preserve evidence:

- Do not shower.
- Do not brush your teeth.
- Do not wash your clothes. Vi W 4;
 - Do not relieve yourself.

necessary to positively identify the predator and establish the crime. Preserving this evidence provides investigators with the evidence

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To report a sexual assault, a victim or witness can:

- Write directly to the warden or the facility investigator.
 - File a grievance
- Disclose the assault to a medical or mental health provider. က
 - Call the Rape Crisis Center of Central New Mexico at 505-266-7711. 4.
- Call the facility's sexual assault hotline at 505-827-8242.
 - Have a family member or friend report it to the facility တ် ည

*When writing to the warden, investigator, or anyone else, be sure to make a dated copy for your self.

physical evidence, witness testimony, written statements from the victim This facility uses only trained investigators. The investigator will collect and from the perpetrator, and video surveillance recordings. Once the investigation has concluded, you will be informed of the results of the Because the federal government collects data on sexual abuse in investigation will be reported to the US Department of Justice correctional facilities, the in Washington DC. investigation.



Phases of Sexual Assault

sexual assault has five phases you may experience. They are:

- The pre-assault phase, which includes:
- A grooming phase in which the perpetrator overcomes the victim's defenses.
 - An intuitive sense by the victim that something is wrong. Bi Ci Ci
- The acceptance of gifts and favors by the targeted victim.
 - Not acting on their intuition.
- The assault phase in which you may experiences: R
 - Shock
- Paralysis
- Detachment Numbness
- An absence of emotional responsiveness
 - Reduced awareness of surroundings
- Disassociative amnesia **水 B C D E E E** G
- The acute crisis phase which includes: က
- Persistent re-experiencing through: Ë
- Intrusive images that may be violent
- Intrusive thoughts that may include suicide
- Flashbacks 4. 3.
- Sense of reliving the trauma
- Distress when exposed to reminders of the trauma
 - Self blame
- Severe depression
 - Avoidance. ല്ഗ്ല്
- The outward adjustment phase in which the victim: 4
 - Desires to be normal again.
- Contends that everything is "fine".
- Engages in mechanical compliance with rules or the continued sexual abuse.
 - Post release, attempts to be normal.

 \Box

- The resolution phase in which: 'n.
- The victim may re-experience the acute crisis phase. **水風いり**草
 - Family relationships will be disrupted
- There is a re-evaluation of lifestyle and choices
- Suppressed rage may surface accompanied by violent behavior
 - Resolution may be postponed until after release

Law and Institutional Policy

member to have sex with an inmate and is punishable with up to 18 Statute 30-9-11 NMSA 1978 makes it a second-degree felony for a staff years in prison.

facilities called the Prison Rape Elimination Act (PREA) that applies to Further, there is a federal law against sexual assaults inside correctional staff-inmate as well as inmate-inmate sexual relationships.

between inmates are against our institutional policy. Our zero-tolerance policy places a duty on staff and inmates to report sexual abuse. It also commits the facility to taking reports of sexual abuse seriously, and to Sexual activities and sexual abuse between inmates and staff or investigating and punishing sexual abuse. It is also our policy to refer substantiated cases for prosecution.

Know Your Rights

punishment clause of the Eighth Amendment from sexual abuse (Farmer v. Brennen). If you are sexually abused, you may seek redress under redress under a 42 USC 1983 civil rights claim. You may obtain these While in this facility, you are protected under the cruel and unusual statute 41-4-2, (the New Mexico Tort Claims Act). You may also seek forms from the facility library. Victims of sexual abuse may be taken to an outside hospital for a medical forensic examination to collect evidence. You also have the an outside hospital, and facility medical and mental health services are right to refuse the examination. Victims also have access to facility medical and mental health services. Medical forensic examinations by provided without charge.

sexual assault. Institutional policy requires both staff and inmates who Both PREA and facility policy prohibit retaliation against those who report witness or hear a report of sexual

evidence and may result in disciplinary suppressing evidence of a crime could constitute tampering with abuse to report it. Hiding or action or prosecution.



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Sexual Abuse

The term "sexual abuse" means:

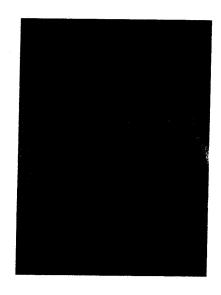
persuasion, or enticement, subjecting another person who is incapable of giving consent by reason of their custodial status, physical or mental state to sexual contact or rape or molestation, "Subjecting another person to any sexual act or contact by force, prostitution or other forms of sexual exploitation".

The term "sexual contact" means:

inner thigh, buttocks with or without the consent of the person, or any "Intentionally touching or physical contact in a sexual manner, either touching or inappropriate viewing with the intent to arouse, humiliate, directly or through the clothing, of the genitalia, anus, groin, breast, harass, degrade or gratify the sexual desire of any person".

The term "sexual harassment" means:

encouraging an atmosphere of intimidation, hostility, or offensiveness 'Sexual advances, sexually offensive language, comments or gestures, influencing, promising, or threatening any inmate's or staffs safety, custody status, privacy, housing privileges, or program status in exchange for personal gain or favors of a sexual nature; creating or as perceived by any individual who observes the sexually offensive language or behavior".



Prevention

This facility takes steps to prevent the sexual abuse of inmates. This includes:

Pre-employment screening of officer applicants

Training facility staff on the law and policy, inmate rights, the dynamics of sexual assault, recognizing the signs of sexual assault, ethics training, and crime scene preservation and evidence collection

The use of video monitoring equipment,

A reporting and investigation system,

Inmate screening and assessment at intake.

In addition to these steps, you can also minimize your risk of being sexually abused by:

Avoiding undue familiarity with staff and other inmates.

Not accepting gifts and favors from other inmates.

Not isolating yourself in places that are difficult for staff to monitor.

Avoiding a "protective pairing" with another inmate.

Not flirting with staff or other inmates.

Respecting other inmates' personal space, privacy and belongings.

Avoid "playing games" that may appear to be friendly banter but in reality may be a form of coercion.

Paying attention to your surroundings and other's behaviors.

Buying only small amounts of commissary.

Avoid bragging about how tough you are, as aggressive inmates may see that as a challenge

Avoiding gambling: The debt you have to pay may be sexual favors

Avoid drugs and alcohol: They may be spiked with a depressant to reduce your ability to resist rape.

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DECELVED 1 FE3 0 3 2015 BY

NEW MEXICO CORRECTIONS DEPARTMENT

INMATE INFORMAL COMPLAINT

Form CD-150501.3 Revised 03/11/14 Page 1

•		SHAIRE COM LAINT
Inmate Name: <u>FIAI3171EU</u>	GRADO	NMCD#: 54154

Inmate Name: <u>GABRIEL GRADO</u> NMCD#: <u>56154</u>
Facility: GCCF GED HU/Cell #: 20.711 Date of Incident: JAN. 79, 7015
Name of subject or person to whom the complaint was filed against: OFFICET 13. TARATE
Explain your complaint in detail: DN JAN 5th 7015; I WAS STITUTE IN MY CELL WITH 210 AND ATTOURD 30'CLOCK IN THE AFTERWOOD I HEARD MY NAME
CALLED OVER THE INTERIOR FOR ME TO PEPORT TO DHO (DISCIPLINATY
HEATING OFFICE PLEASE TREVIEW ATTACHED ADDITIONAL PAGE (S)
DI D
Inmate Signature: Date: JAN 29, 2015
Miller VI. Ostax
Date Received: Feb 03, 7015 Unit Manager/Chief of Security/Designee
I, PHUARAEM have reviewed the above informal complaint and
Recommend: () Resolution () Recommend formal grievance
Explain: New HAS ASSIGNED THE INVESTIGATION
THE INVESTIGATION ODES AND HANGERING THE
BE LE DESNE AS & FORMY CONFERENCE DAY WILL
Staff Member: Phys Papar Posts Feb 0 2 200
Staff Member: VI/W/VI/Sign Date: FEB 0 3, 2015
Acknowledged by the signatures below, this informal complaint is: Resolved Unresolved
Unit Mgr/Chief of Security/Designee: Phanes Date: FEB 3, 2015
Staff Witness: Print / Sign Date: 2-3-15
Inmate: GABRIEL H. GRAD / MEDIA. Date: Z.3.2015
Time / Oign

If this informal complaint could not be resolved, the inmate may pursue a formal grievance within 20 calendar days of the date of incident.

At time of resolution-the inmate must be given a copy of the completed copy of the Informal Complaint

Inmate must attach this document if the formal grievance is to be submitted.

Given: 2/3/15 K. P. Wero PREA COORDINATOR G.C.C.F. P.O. BOX SZO SANTA ROSA, N.M. 88435



FETSTUARY 3, 7015

RE: PREA INVESTIGATION AGAINST OFFICER 13. ZARATE; INMOFORMAL COMPLAINT HAMDLED 134 MAJOR ARAGON

TO WHOM IT MAY CONCERN;

ON JANUARY 29, 7015 I FILED AN INFORMAL COMPLAINT OF SEXUAL ASSAULT ON OFFICER, 13. ZARATE, IN WHICH TOOK PLACE ON JAN. 5, 7015.

ON FRITZUARY 3, ZOIS MAJOR ARRAGON HANDLED THE INFORMAL COMPLAINT IN A VERY UNPROFESSIONAL MANNER. I WAS ASKED TO REPORT TO ARRAGON'S OFFICE AROUND OR ABOUT THE TIMES OF 9 A.M. AND I I A.M. ON THIS SAID DATE (7.3. ZOIS), NO ONE ELSE WAS PRESENT AT THE TIME I ENTERED AND LEFT MAJOR ARRAGON'S OFFICE; PLEASE REVIEW VIDED SURVALIANCE.

I HAD ADVISED MAJOR ARAGON I WOULD LIKE TO PROTEED IN A FORMAL GRIEVANCE ALTHOUGH HE STATED THE MATTER WAS NOW ISEING HANDLED BY STATE INVESTIGATORS. HE STATED AFTER THE COMPLETION OF THE STATES INVESTIGATION OR IF THEY FAILED TO INVESTIGATE THE MATTER BY FEBRUARY IL, 2015 I COULD PROCEED WITH THE FORMAL GRIEVANCE PROCESS.

MAJOR ARAGON CHECKED THE MATTER AS "TESOLVED"

I UNDERSTAND I CAN NOT PROCEED WITH A FORMAL GRIEVANCE IF THE INFORMAL IS RESOLVED.

I FEEL THAT THIS IS A FUTTIN OF TRETALIATION SO THAT THE MATTER IN TREGATEDS TO OFFICER ZATRATE CAN BE DISMISSED. I ASKED MAJOR ATTAGON TO CHANGE IT AND HE TREFUSSED TO CHANGE IT OR TO GIVE ME MY COPY PITION TO LEAVING HIS OFFICE.

THERE WAS NO STAFF WITNESS. THE SIGNATURE H. RODGERS WAS NOT PRESENT AND WAS THE OFFICER ASSIGNED IN HZ THIS DAY NOT HOUSING ONE WHERE MAJOR ARAGON'S OFFICE IS LOCATED

THIS MATTER WAS ALSO BROUGHT TO THE ATTENTION OF THE MENTAL DEPARTMENT WHO (ALIED MAJOR ARAGON ON SPEAKER PHONE AS I ADDRESSED AND EXPRESSED MY CONCERNS WITH THE INFORMAL COMPLAINT BEING CHECKED AS "FRESOLVED!" MAJOR ARAGON STILL INSISTED NOT TO CHANGE HIS DECISION AS PRESOLVED TO UNITESOLVED.

ALL THAT I ASK IS THIS MATTER BE LOOKED INTO AND DOCUMENTER AS A FORM OF RETALIATION. MAJOR ARAGON'S DECISION TO NOT CHANGE THE INFORMAL COMPLAINT FROM RESOLVED TO UNITE SOLVED IS KEEPING MYSELF FROM PROJECTING WITH THE FORMAL GRIEVANCE PROJECTS' AGAINST OFFICER B. ZARATE.

THE STAFF WITNESSES SIGNATURE IS PERJURY, NO STAFF BY THE NAME H. REDGERS WAS PRESENT DURING ANY OF THIS IN MAJOR ARRAGON'S OFFICE. PLEASE REVIEW VIDED SURVALIANCE AND MAKE A COPY OF THE MECORDING, DATE FEBRUARY 3, TOLS IN THE HOURS OF 9.AM - 11 A.M., AND PLACE COPY INTO EVIDENCE FOR THIS CASE. A COPY, OF THIS LETTER WILL BE SENT TO MY, ATTORNEY AND AT HIS TREQUEST WILL NEED ALL MATERIAL AND EVIDENCE IN REGARDS TO THIS MATTER.

SHOULD ANY CONCETINS OR QUESTIONS MEED TO ITE ADDITIESSED OF IF FOR SOME TREASON YOU ARE UNAITIE TO COMPLETE MY TREQUEST FOR THIS INVESTIGATION, PLEASE NOTIFY ME AS SOON AS POSSIBLE.

THANK YOU FOR YOUR TIME AND CONSIDERATION IN HANDLING THIS MATTER.

RESPECTFULLY YOURS,

GABRIEL H. GRADO #56154

lado

C.C. ATTORNEY JOHN FREDLUND
PREA COORDINATOR

February 5, 2015

Mr. Grado -

Your PREA case has been assigned to NMCD for investigation. They should be contacting you to obtain your information in regards to this case. As for your informal complaint, it should have been marked referred instead of resolved. You may file a formal grievance at any time with regards to PREA. However, the grievance will be referred to NMCD until the conclusion of the investigation. Once the investigation is concluded, you will receive notification of the outcome.

Thank you

A. Campos, GCCF PREA Coordinator

Haster 09/11/2015 06/10/2015

CLAYTON, NEW MEXICO

28415

A Abuquerque NM

SEP 1 4 2015
MATTHEW J. DYKMAN

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

ALBUQUERQUE, NEW MEXICO

333 Lomas N.W., Ste 270

20128